



PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference B0106WO	FOR FURTHER ACTION	See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)
International application No. PCT/FR2003/000045	International filing date (day/month/year) 09 janvier 2003 (09.01.2003)	Priority date (day/month/year) 10 janvier 2002 (10.01.2002)
International Patent Classification (IPC) or national classification and IPC G02B 21/26		
Applicant	TROPHOS	

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>7</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of _____ sheets.</p>
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> I <input checked="" type="checkbox"/> Basis of the report II <input type="checkbox"/> Priority III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability IV <input type="checkbox"/> Lack of unity of invention V <input type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement VI <input type="checkbox"/> Certain documents cited VII <input type="checkbox"/> Certain defects in the international application VIII <input type="checkbox"/> Certain observations on the international application

Date of submission of the demand 01 août 2003 (01.08.2003)	Date of completion of this report 13 May 2004 (13.05.2004)
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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/FR2003/000045

I. Basis of the report

1. This report has been drawn on the basis of (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.):

 the international application as originally filed. the description, pages 1-17, as originally filed,
pages _____, filed with the demand,
pages _____, filed with the letter of _____,
pages _____, filed with the letter of _____. the claims, Nos. 1-14, as originally filed,
Nos. _____, as amended under Article 19,
Nos. _____, filed with the demand,
Nos. _____, filed with the letter of _____,
Nos. _____, filed with the letter of _____. the drawings, sheets/fig 1/4-4/4, as originally filed,
sheets/fig _____, filed with the demand,
sheets/fig _____, filed with the letter of _____,
sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

 the description, pages _____
 the claims, Nos. _____
 the drawings, sheets/fig _____

3. This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/FR 03/00045

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-14	YES
	Claims		NO
Inventive step (IS)	Claims		YES
	Claims	1-14	NO
Industrial applicability (IA)	Claims	1-14	YES
	Claims		NO

2. Citations and explanations

1. Reference is made to the following document:

D1: US-A-3 652 146.

2. Document D1 discloses a device for positioning a plate including one or more samples (24) on an observation or analysis device (microscope) comprising a lens for observing or analysing at least part of a sample along an observation axis extending from an observation surface of the plate, and a framework (18) provided with a plate-supporting assembly having the following features:

- a first frame (20) slidably movable in a plane perpendicular to the observation axis (column 2, lines 39-45);
- a second frame (32) mounted on said first frame (20) and slidably movable in said plane perpendicular to the observation axis (column 2, lines 29-38), said first and second frames (20, 32) each being movable in a direction perpendicular to the direction of movement of the other frame (see figure 2); and

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.
PCT/FR 03/00045

- a third frame (30) mounted on said second frame (32) by means for retaining said third frame (30), said means securing said third frame in the plane perpendicular to the observation axis while allowing movement of said third frame essentially along the observation axis.

It follows that the only difference between the positioning device specified in claim 1 and the one known from D1 is that said third frame is provided with means for securing the plate. Such means for securing a plate, comprising a sample, inside a microscope are very commonly used and, as a result, the present application does not fulfil the requirement set forth in PCT Article 33(3) because the subject matter of claim 1 does not involve an inventive step (PCT Rule 65.1 and 65.2).

3. Dependent claims 2-14 do not contain any features which, in combination with the features of any one of the claims to which they refer, might define subject matter that fulfils the PCT requirements of novelty and/or inventive step for the following reasons:

The features defined in these claims merely consist of options from a plurality of obvious options that a person skilled in the art seeking to solve the stated problem might select, depending on each particular case, and without an inventive step being involved.